

**2IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IMPLICIT, LLC,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 2:18-cv-53-JRG
	§	LEAD CASE
v.	§	
	§	JURY TRIAL DEMANDED
NETSCOUT SYSTEMS, INC.,	§	
	§	
<i>Defendant.</i>	§	

IMPLICIT, LLC,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 2:18-cv-54-JRG
	§	MEMBER CASE
v.	§	
	§	JURY TRIAL DEMANDED
SANDVINE CORPORATION,	§	
	§	
<i>Defendant.</i>	§	

NETSCOUT SYSTEMS, INC.’S AMENDED TRIAL WITNESS LIST

Defendant NetScout Systems, Inc. ("NetScout") submits the following list of witnesses that NetScout will or may call live or by deposition at trial in this matter. NetScout further reserves all rights to call any witness listed on Implicit, LLC’s (“Implicit”) witness list without waiving any right to object to Implicit, LLC’s presentation of such witnesses at trial, without waiving any objections to the admissibility of any such testimony, and without waiving the right to move for the exclusion of any such testimony. NetScout reserves all rights to call witnesses by deposition as identified in its deposition designations or in counter-designations. NetScout further reserves all rights to modify, amend, or supplement its witness list prior to or during trial based on case developments, including but not limited to the right to: (a) not call some of the witnesses listed below, (b) call live or by deposition as its witnesses at trial any witness identified on Implicit, LLC’s witness lists, (c) call live any witnesses necessary to authenticate or lay the

foundation for the introduction of documents to which Implicit, LLC objects (including but not limited to custodians of records or authors of prior art), (d) introduce deposition testimony as impeachment evidence or in rebuttal, (e) call as live witnesses at trial the corporate representatives designated by Implicit, LLC to be excluded from the Rule, whether or not that person appears on Plaintiff's or Defendant's witness lists, (f) change a witness from a live witness to a witness testifying by deposition, and vice versa, (g) modify, amend, or supplement this witness list if any further depositions are taken in this matter, or (h) modify, amend, or supplement this witness list in response to rulings by the Court (including on any motions).

The below identifications are made based on a trial date of December 9, 2019. If the trial date changes, NetScout reserves the right to modify the below identification.

#	Witness	Will Call	May Call Live or by Deposition Testimony
1	Dr. Kevin Jeffay	X	
2	Ms. Suzanne Stuckwisch	X	
3	Mr. Paul Barrett (Corporate Representative)	X	
4	Mr. Scott Dawson	X	
5	Mr. John Curtin	X	
6	Dr. David Mosberger		X
7	Dr. Larry Peterson		X
8	Dr. Oliver Spatscheck		X
9	Dr. John Hartman		X
10	Dr. Marc Fiuczynski		X
11	Mr. Przemek Pardyak		X
12	Mr. Robert Packer		X
13	Mr. Daniel Decasper		X
14	Mr. Garth Novack		X
15	Mr. Robert Roth		X
16	Mr. Edward Balassanian		X
17	Ms. Catherine Jenkins		X

Dated: November 14, 2019

By: /s/ Mark C. Lang
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3), on November 14, 2019.

/s/ *Melissa R. Smith*

Melissa R. Smith